

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nora Femenia et al.

Title: AUTOMATED CROSS-CULTURAL CONFLICT MANAGEMENT

Docket No.: 2043.003US1

Filed: November 13, 2000

Examiner: Pierre E. Elisca



Serial No.: 09/711,578

Due Date: January 2, 2007 (Federal Holiday)

Group Art Unit: 3621

MS Appeal Brief - Patents

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

We are transmitting herewith the following attached items (as indicated with an "X"):

☒ Appellants' Reply Brief Under 37 CFR 41.41 (2 pgs.).

☒ Return postcard.

If not provided in a separate paper filed herewith, Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.

Customer Number 49845

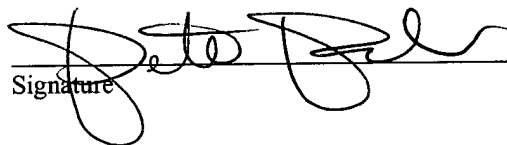
By: 

Atty: John M. Dahl

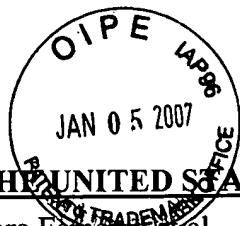
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 3 day of January, 2007.


Name


Signature

S/N 09/711,578



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Nora Femenia et al.

Examiner: Pierre Elisca

Serial No.: 09/711,578

Group Art Unit: 3621

Filed: November 13, 2000

Docket: 2043.003US1

Title: AUTOMATED CROSS-CULTURAL CONFLICT MANAGEMENT

APPELLANTS' REPLY BRIEF UNDER 37 C.F.R. § 41.41

MS Appeal Brief - Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

In response to the Examiner's Answer mailed November 2, 2006, please see the remarks below:

The Examiner's Answer restates the erroneous argument made during prosecution that the "preexisting agreement" recited in the pending claims can be anticipated by Tavor's negotiation process, in which no preexisting agreement is present. The cited portion of Tavor (col. 4, ln. 20-41) does discuss possible exchanges between a user and a system such as discounts in price and responses to price offers, as stated in the answer brief. This negotiation process exists for the purpose of reaching an agreement, and would in the context of Tavor be unnecessary if some preexisting agreement were already in place.

The claim term "agreement" is defined in part in Webster's Third New International Dictionary as "an arrangement (as between two or more parties) as to a course of action", while its root "agree" is defined as "to settle upon by arrangement", or "to achieve harmony...(or to) become of one mind". The term "preexisting", added for emphasis during prosecution to further distinguish the pending claims from Tavor, is further defined as "to exist before", emphasizing that there is already an agreement in place in the pending claims.

In Tavor, no agreement has been reached before the negotiation process. As no agreement exists before the negotiation process of Tavor, the negotiation process of Tavor cannot be said to manage a dispute about a preexisting agreement. Further, the parties of Tavor are not parties to an agreement, as is recited in the pending claims, as no agreement is in place in Tavor.

CONCLUSION

Because no cited reference teaches managing a dispute regarding a preexisting agreement, or performing the recited methods involving parties to such an agreement, the cited art does not anticipate the pending claims.

Appellants respectfully submit that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Appellants' attorney at (612) 349-9581 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

NORA FEMENIA ET AL.

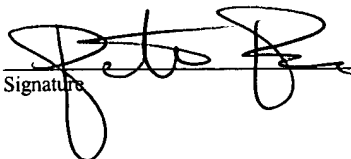
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 349-9581

Date Jan 3 07 By 
John M. Dahl
Reg. No. 44,639

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Appeal Brief - Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 3 day of January 2007.


Name


Signature